



EMPLOYMENT TRIBUNALS

Claimant

Miss J Poukens

Respondent

v Rands Farm Equestrian Centre Ltd

Heard at: Sheffield

On: 30 August 2023

Before: Employment Judge James

Representation

For the Claimant: In person

For the Respondent: Did not appear and was not represented

The Response has been struck out because of a failure to comply with an Unless Order, following repeated breaches of previous tribunal orders. The respondent was only entitled to take part in today's hearing, to the extent allowed by the Judge. The respondent instructed new solicitors just before the hearing and a request for postponement was made. That was refused, in light of the history of the proceedings to date. In the event, no representative of the respondent appeared at the hearing. Having heard evidence on affirmation from the claimant having heard representations from her, and having considered the documentary evidence referred to, the tribunal has arrived at the following judgment.

JUDGMENT

- (1) The claim for **unpaid wages** (s.13 Employment Rights Act 1996) is upheld **in the sum of £1701.20**. (The claimant was due the sum of £4870 for 487 hours worked at £10 per hour. The claimant was paid £3168.80. The claimant is due the difference between those two sums).
- (2) The claim for **accrued holiday pay** is upheld **in the sum of £560**. (The claimant worked 104 days. $104/365 \times 28$ days = eight days holiday. The working day is seven hours at £10 per hour, i.e. £70 per day.)
- (3) The claim for **failure to provide itemised pay slips** (Section 8 Employment Rights Act 1996) is upheld. During the last 13 weeks of her employment, the claimant was paid £2915.80 but was due £4265 for the hours worked. The un-itemised deductions therefore amount to £1349.20. Under s.12(4) Employment Rights Act 1996, the Judge awards **the sum of £1000**.

- (4) The claimant was never provided with a formal grievance procedure. She has made every effort to resolve this claim, prior to proceedings, by setting out the amounts due. The respondent has never arranged a meeting to discuss the claimant's complaint, or made a formal decision in relation to it. There has therefore been a wholesale **failure to comply with the ACAS Code of Practice** and it is just and equitable to increase the above amounts by the sum of 25%. 25% of £3261.20 gives **the sum of £815.30**.
- (5) The claim for **failure to provide a statement of particulars of employment** (Sections 1 to 3 Employment Rights Act 1996) is upheld. Under s.38 Employment Act 2002 the tribunal awards the sum of four weeks wages. The claimant worked an average of 32.5 hours per week during her 15 weeks of employment; 32.5 x £10 per hour x 4 weeks gives **the sum of £1300**.
- (6) The respondent has acted unreasonably in the conduct of the defence of the proceedings and has failed to obey Employment Tribunal orders. The claimant has accordingly been put to extra expense and time. The tribunal has decided that it is just to make a **preparation time order**. The time claimed by the claimant is 4.55 hours chasing emails and making phone calls; 32 hours compiling the hearing file and adding to it at the respondent's request on numerous occasions; and four hours for today's hearing including waiting and travel. This gives a total of 40.55 hours times @ £43 per hour, which gives **the sum of £1743.65**.
- (7) In addition, the claimant claims £114.36 for **expenses** for items such as printing ink and paper and **the sum of £114.36** is awarded to the claimant in addition to the amount set out above for the time spent.
- (8) The above amounts (**Grand Total £7234.51**) are to be paid to the claimant by the respondent gross. It will be the claimant's responsibility to account to HMRC for any tax or national insurance due in relation to items (1) and (2) above.

Employment Judge James

Dated 30 August 2023